

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**

Public Meeting  
York Hall Board Room  
March 21, 2001  
7:00 PM

**MEMBERS**

Spencer W. Semmes, Chair  
Andrew A. Simasek, Vice Chair  
Robert E. Beil, Jr.  
Robert D. Heavner  
Michael H. Hendricks  
Thomas G. Shepperd  
Ann F. White

**CALL TO ORDER**

Chair Spencer Semmes called the meeting to order at 7:00 p.m. All of the members were present except Messrs. Heavner and Hendricks. Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Michael S. King, and Olivia D. Wilkinson.

Mr. Semmes explained that the purpose of the meeting is to communicate and exchange ideas among the citizens and the Commission about the proposed Yorktown Design Guidelines in an informal and open format. He introduced all of the Commissioners and staff, and also Mr. Landon Wellford, Preservation Planner for the City of Petersburg.

**PRESENTATION**

**Mr. Mark Carter** spoke of the development of the draft Yorktown Design Guidelines over the past 10 years, beginning with the first "Focus on Yorktown" workshop and culminating with the consultant's draft. He stressed that, in the absence of guidelines or architectural review, the County can impose only limited restriction on architectural scale and design of new or remodeled structures in the historic village, examples of which he presented in a slide show.

Mr. Carter then opened the meeting to questions or comments. The following is a summary of questions and remarks and the responses.

**Speaker:** The National Park Service, in the 1950s, researched all of the properties in Yorktown and then purchased all of the homes in the village that it determined were historically significant. If our homes were not deemed to be historically significant, then why is there a need to impose another layer of bureaucracy in the form of an Architectural Review Board to tell me where I can plant a tree or what kinds of windows and shutters I can have? Why can't the present Zoning Ordinance cover that? This seems to be micromanaging.

**Carter:** The more important question may be, what else, if anything, can be done? The normal zoning regulations address setbacks, building height, number of stories, regulation of bulk, and certain percentage coverage of the lot. What they don't allow is the architectural component of review. The

present zoning can regulate the house size or scale but cannot control the style. The Code of Virginia states that formal historic district guidelines must be in place for architectural review to occur.

**Speaker:** If there are only five or six lots remaining in Yorktown, why go to all this expense?

**Carter:** Existing houses can be demolished and new homes built, as happened on Moore House Road where the new houses are out of scale with the neighborhood.

**Wellford:** The value of homes in the Petersburg historic district have increased by 250% since architectural guidelines were adopted.

**Speaker:** I own a vacant lot and my husband and I are running into bureaucratic obstacles with our request to build a house on our lot. Why must we be told what materials to use and what is acceptable if these guidelines have not been adopted?

**Carter:** In December 1999, the Board revised the Zoning Ordinance to establish an additional level of review for any new single-family detached residential construction in the YVA (Yorktown Village Activity) zoning district. Prior to that, single family residences were approved administratively by the Zoning Administrator. If the new guidelines are ultimately adopted, the YVA regulations could again be amended to allow a new single-family structure as a matter of right.

**Speaker:** Some "post-1947 properties" have deteriorated to the point they are an embarrassment to the citizens and to visitors. Some have no windows and are falling apart. We have complained for years about this but are getting nowhere. We need to get the town cleaned up; looks like we are putting the cart before the horse.

**Carter:** Demolition has been ordered for a structure on Buckner Street and staff is working with the County Attorney to determine if a regulation can be adopted to deal with the most poorly maintained properties in Yorktown and on Route 17.

**Speaker:** What about the Masonic Lodge on Ballard Street, built in 1933?

**Carter:** We will consider the design guidelines that would apply to that property in the historic core area.

**Speaker:** I am in favor of the guidelines but many of my neighbors are not. Would the County consider adopting less restrictive regulations?

**Simasek:** Based on my past experience with architectural review boards, the basic framework of guidelines must be strict but the ARB would probably have some flexibility as long as the objective is true to the architecture of Yorktown. The ARB has the power to make exceptions. We hope that any unnecessary restrictions in the proposed guidelines will be removed before final approval.

**Semmes:** The Commission will consider all written and oral comments before it makes a formal recommendation to the Board of Supervisors, who will make the final decision.

**Speaker:** The town belongs to the American people and it is important to preserve it. It is outstanding that the Board is attempting to keep the ambience and historic flavor of Yorktown. I think the guidelines will ensure enhanced property values. I am waiting to restore a building until I find out what the guidelines are. If we aren't willing to give a little bit to preserve it for future generations, then we have a problem.

**Speaker:** Suppose we cannot afford to do what is required?

**Wellford:** Architectural Review Boards generally consider financial hardships on a case-by-case basis.

**Carter:** Historic guidelines do not require maintenance of property but oversee changes to property. The County could not order a property owner to replace or repair something but if the owner took the initiative to do it, then he or she would be expected to follow the guidelines.

**Speaker:** Could current property owners in Yorktown be grandfathered?

**Semmes:** That is an idea with some merit. The inherent problems with "grandfathering" are issues of property ownership versus resident. If a grown child took over the parents' home in Yorktown without assuming ownership, there may be issues. A grandfather clause often sounds better than it looks when you get into the details.

**Speaker:** Could the less restrictive guidelines proposed for the village west and south be applied to the historic core as well?

**Speaker:** We should have a referendum on this. Who will pay the legal fees when the staff gets sued? Are the members of the ARB volunteers?

**Semmes:** They would be volunteers.

**Wellford:** An ARB cannot be sued because rights of appeal are to the Board of Supervisors and the Circuit Court as mandated by the Code of Virginia.

**Speaker:** We might not be able to find the right mix of volunteers that have a high enough level of expertise to provide the necessary guidance.

**Wellford:** The volunteers would not have to be County residents, but it is often surprising who wants to serve on an ARB even though it is time-consuming. The City of Petersburg ARB has seven members who must be citizens of Petersburg, except for the architect who can come from outside the city. Getting enough volunteers has never been a problem. Without local controls, for instance, your neighbor could build a chain link fence and the County could only restrict its height. Yorktown is not protected from people who do not accept the historic value of the town, who may want to change the appearance of a building. Good design costs no more than bad design.

**Speaker:** What is the timetable?

**Carter:** There is none. The Planning Commission may take three to six months to study and review the proposal before making a recommendation to the Board, which also will need time for study before it acts.

**Speaker:** Why do we need to do this, because there are no more than six available lots in the whole town. We are the ones who should be able to decide what we want to do [with our property].

**Speaker:** If someone purchases a lot here they are going to put a lot of money into the house they build, anyway, so we shouldn't need to do this.

**Semmes:** The County lacks the controls at this time to disallow it if it doesn't fit the neighborhood.

**Speaker:** Then adopt it for the entire County. Yorktown has been getting along all these years [without architectural guidelines]. Don't punish us, because the problems are not in Yorktown itself. We have no ghettos in town or any problems like Petersburg. We've been satisfied with our property for 63 years and could go on for the next 50 years.

**Shepperd:** In my neighborhood, in District 5, we live under a homeowners' association because the homeowners are concerned that we could lose control of our property.

**Speaker:** I purchased a piece of property next door to me where a house stood, because someone was considering to apply for a special use permit to construct a small commercial building there and I was concerned about how such a new structure might look and might impact the value of my property in the absence of any type of design review. I think design control is necessary and desirable.

**Speaker:** I live every day with what happened in my Moore House Road neighborhood since existing houses were demolished and established trees were cut down for "monster houses" that changed the character of that beautiful neighborhood.

**Speaker:** We discussed this at a meeting of our Yorktown homeowners' association and there was overwhelming opposition to this proposal. We would be receptive to something acceptable to more people.

**Semmes:** The guidelines have not been formally reviewed by either the Planning Commission or the Board and there may be several other public informational meetings and work sessions. There is room for compromise and we will consider every comment we get from you and others. The Commission will ultimately make its recommendation from a land use perspective but not until we are satisfied with the guidelines.

**Mr. Bryce Hollingsworth, 139 Smith Street:** As president of Yorktown Property Owners Association (POA), spoke of the deadline for the ARB to make a decision after submittal of an application. The POA – whose boundary runs from Bacon Street to the Victory Center and from the waterfront to Ballard Street – suggests that the ARB be allowed 62 days from the date of an application before it must render a decision, not 60 days, as proposed, so as to coincide with the application deadline, ARB meeting, and meeting of the Board of Supervisors. In February 2000, the Yorktown POA wrote a

letter to then-Board Chairman Walt Zaremba advising that it is strongly opposed to the establishment of any architectural review guidelines that restrict private residential land use.

Mr. Hollingsworth, as a registered architect with a passion for architectural preservation, personally supports preserving the architectural character and appearance of Yorktown as a treasure of the American people and volunteers to serve on its first Architectural Review Board.

**Simasek:** It appears there may be an irrational fear of the unknown. An architectural review board provides technical assistance on architectural correctness but has very little effect on people who want to do things right. In fact, an ARB could protect you from having to confront your neighbor, for instance, who wants to paint his shutters an outlandish color. There should be nothing to fear with these regulations.

**Wellford:** ARB's are quite aware of public opposition to very strict guidelines and work with people on a case by case basis. New subdivision covenants, particularly for gated communities, are much stricter than the guidelines being proposed.

**Speaker:** Consider a compromise such as a lifetime "grandfather" clause, such as the National Park Service adopted in Yorktown. Or, when the current owner sells the property, it then falls under the guidelines. This type of compromise should not jeopardize the implementation of historic district guidelines but should be acceptable to the residents who are so adamantly opposed to them.

**Speaker:** Some of us fear extra costs to builders or construction delays in order to meet the guidelines.

**Semmes:** The intent is to ensure that new construction conforms architecturally to the neighborhood.

**Carter:** There is no mandated style; to the contrary, the proposed guidelines should respect the diversity of the existing structures and styles in Yorktown.

**Hollingsworth:** A builder will be knowledgeable of the rules and regulations before he starts out. Architects and builders have to meet codes, ordinances and architectural standards and it is their business to know them. It would be most unusual to incur significant extra costs. Lived in Fords Colony for a number of years and found that for every complaint about architectural controls, there were 10 to 15 neighbors who thanks the ARB for its oversight.

**Speaker:** Everybody is afraid of losing freedom.

**Speaker:** Things that have happened over the past 50 or 60 years have generated fear. Yorktown used to be vibrant but not anymore. Grandfathering is the answer.

**Speaker:** When Hilton Village initiated an ARB about 45 years ago it created havoc and messed up the community.

**Speaker:** There is distrust of County officials and County government based on the past 60 years of experience. The parking along the waterfront has been replaced by the riverwalk and now people

park near our homes and disturb us at all hours of the day and night. The County negotiated with Grace Episcopal Church for public parking privileges. The County moved water mains from Water Street and placed water mains on my family property. The County has used and abused my family's property for years.

**Speaker:** The County has purchased property facing Route 17 [on Martiau Street]. What is the County planning to do with that property? What about the planned two-story parking garage on Water Street? The County is rumored to be planning to tear down Nick's Seafood Restaurant. What we want is a well-designed and controlled commercial district to revitalize the town.

**Carter:** The County has no plans at this time for use of the property on Martiau or for constructing a garage on Water Street, nor does the County plan to demolish Nick's. There are plans for additional commercial space on the waterfront. Approval would be the same as it is now – through the Planning Commission and the Board of Supervisors. The County thinks that there is enough potential to invest money in the infrastructure and the public space that would support development, and we hope that it will take place. The Board and Yorktown Trustees are working through the process right now.

**Semmes:** Before any historic guidelines are adopted, there will be other opportunities for public input including more public meetings of the Commission. This appears to be a popular format and we will probably conduct one more public meeting similar to this one. The Planning Commission will conduct work sessions that may or may not include public comments. Also, the Commission and the Board will each conduct at least one public hearing. We urge you to review the draft Yorktown Design Guidelines, which are on the County web site at [www.yorkcounty.gov/planning](http://www.yorkcounty.gov/planning).

## **ADJOURNMENT**

The meeting was adjourned at 8:45 p.m.

**SUBMITTED:** \_\_\_\_\_/s/\_\_\_\_\_  
Phyllis P. Liscum, Secretary

**APPROVED:** \_\_\_\_\_/s/\_\_\_\_\_  
Spencer W. Semmes, Chair

**DATE:** May 9, 2001